



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, March 16, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, McKillop, Bogue, Peixoto, and Zermefio
CHAIRPERSON: Thnay
Absent: COMMISSIONER: Sacks

Staff Members Present: Conneely, Fakhrai, Rizk, Lens

General Public Present: Approximately 22

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Zone Change Application No. PL 2005-0301PD and Tentative Tract Map Application No. PL 2005-0303/Tract 7657 – KB Home of South Bay (Applicant) / Dutra Enterprises, Inc., KB Home of South Bay, Michael and Margaret Giosso (Owners) – Request to Amend the Rezoning Designation for the Subject 12.5-Acre Site From Medium Density Residential (RM) to Planned Development (PD) and to Subdivide Land in Order to Develop 149 Homes - The Project Site is Generally Located between Eden Avenue and Saklan Road, and between Middle Lane and West Street in the Unincorporated Mt. Eden Area

Staff report submitted by Senior Planner Rizk, dated March 16, 2006, was filed.

Senior Planner Rizk presented the staff report indicating an amendment to Condition of Approval No. 6, Mitigation Measure XIV a) of the Initial Study Checklist, and Mitigation Measure XIV a) of the Mitigation Monitoring and Reporting Program, changing language that the improvements to the Hesperian Boulevard/West Winton Avenue intersection would be done by the City and deleting language relating to the developer improving the area.

In response to Commissioner McKillop's inquiry regarding the feasibility of saving the five specimen trees, Senior Planner Rizk mentioned that there are continuing efforts to try to save some of the trees.

In response to Commissioner Lavelle's inquiry regarding financing by the developer for the improvements and implications if the cost exceeds the estimated figure of \$8.5 million and reimbursement costs, Senior Planner Rizk indicated that there was a recent analysis about the cost and there will be an agreement with the developer to reflect the analysis. As far as future cost sharing, he indicated that developments would have to improve the area along their tract boundaries; such as along Saklan Road and Eden Avenue in this case, and the amounts would be reimbursed back to Dutra Enterprises, Inc. These reimbursements would be made through future developments based on establishment of a benefit district as well as tax increments funds, he added.

Senior Planner Rizk responded Commissioner Zermeno's inquiry indicating that the extended park will be under HARD ownership.

In response to Commissioner Peixoto's inquiry regarding parking ratio, Senior Planner Rizk indicated that parking spaces along public streets would be in addition to those mentioned in the report. Additionally, Mr. Peixoto asked for assurance that KB contribute to the Eden project. Senior Planner Rizk mentioned that there would be thresholds in the conditions to guarantee that the Eden project gets built at the same time as the proposed project.

Chair Thnay inquired why the three internal roadways are private. Senior Planner Rizk explained that it may have to do with the right-of-way width, some of which are not typical 40-foot right-of-ways required by the City. He added that there might not be sufficient room to develop a two-lane street with parking on each side of the street.

Senior Planner Rizk addressed Chair Thnay's inquiry regarding benefits to the City by indicating that the City would gain the expansion and improvement of Greenwood Park, which is adjacent to the property. He added that the proximity of the park to the development and the offer to acquire the land justifies, in staff's opinion, the reduced setbacks.

In reference to Commissioner McKillop's concern that there is not certainty that the parkland can be purchased, Senior Planner Rizk indicated that it would be up to the City Council's decision, whether eminent domain might be an alternative.

Chair Thnay opened the public hearing at 7:58 p.m.

Mr. Derek Farmer, with KB Home, introduced his team and thanked staff for the efforts on this project. In reference to the parkland, he mentioned that his firm has been working with HARD regarding the acquisition, budget, and improvements of the park. He indicated assertive commitment for the project and for the expansion of the park.

Mr. Donald Ruthroff, architect, showed a simulated video of the built project.

In response to Chair Thnay's inquiry for the three private streets, Mr. Farmer noted that KB is proposing the creation of a homeowners association which will pay for street improvements. Chair Thnay asked how much it would take per month to amortize the improvements in twenty years. Staff was unable to answer the question, though City Engineer Fakhrai presented some typical costs associated with street repairs.



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In response to Commissioner Lavelle's inquiry regarding prospective buyers, Mr. Farmer explained that their market would be young couples, families with kids, groups that can get to jobs all over the Bay Area, first time home buyers, and single people.

Commissioner Peixoto asked where the homeowner's association would conduct their meetings. Mr. Farmer explained that though there is not a communal building proposed on-site, the meetings can be held off-site. He added that the association could continue to have lower fees since the on-site amenities are reduced. Furthermore, Commissioner Peixoto asked whether the developer would help with CC&R documents, to which Mr. Farmer indicated that KB would do so, as well as set up accounts for the creation of the homeowners association, all of which would be approved prior to recordation of the final map.

Commissioner Zermeño stressed that the reserve budget be hefty enough to cover many of the costs for the homeowners.

Ms. Linda Marglon, a homeowner on Saklan Road, expressed concern for inadequate parking, and about having cars parked in front of her property. She added that the park is small and inadequate.

Mr. Don Sheppard referred to the site plan on Saklan Road. He expressed support for the park on Eden Avenue, but was concerned about the orientation of the homes along Saklan Road, as well as improvements to the west side of Saklan Road near the industrial area. Senior Planner Rizk explained that staff supports frontages facing the street. He mentioned that potential noise effects were recognized and were incorporated into the mitigation measures with patio enclosures and window treatments. He noted that there would be greater improvements to the area not related to this tract, including to the west side of Saklan Road.

In reference to Commissioner Bogue's inquiry regarding landscaping on the west side of Saklan Road and further improvements, Senior Planner Rizk indicated that enhancements would be required along any road frontages with any future development, even if those developments did not directly face onto roads.

Ms Jennifer Reyes, a relative of people in the area, mentioned she did an independent study on the area two years ago. She expressed concern about the expansion of the park, the traffic on Middle Lane and street expansion, and where the \$8.5 million would go. Senior Planner Rizk responded that the City can require either parkland dedication, payment of in-lieu fees, or a combination of both for projects of over 50 units. The condition that staff is recommending is that the expansion of the park would be at least equal to the in-lieu fees. He indicated that the traffic was analyzed in the Mt. Eden annexation environmental impact report two years ago and the only significant traffic impact identified was at the Hesperian Boulevard/West Winton Avenue intersection. He noted that part of the improvements would be to streets in the area and the \$8.5 million will not be used for school impacts since there is a separate school impact fee required. He added that it is expected that tax increment funds will be transferred from the County Redevelopment Area to the City, which will be used to reimburse Dutra Enterprises, Inc., for costs related to infrastructure improvements in

the redevelopment area. He noted that the biggest difference from the last time annexation was attempted, about 14 years ago, was the identification of a source for funding the improvements. The proposal then was formation of an assessment district, which was not supported, so the County withdrew its application. The improvement plans will be largely consistent with what was created before, he concluded.

Mr. Richard Brenkwitz expressed concerns regarding widening Middle Lane and Eden Avenue. Senior Planner Rizk explained that such improvements were not related to this development. City Engineer Fakhrai explained that the proposed project is responsible for improvements to Eden Avenue and Saklan Road along its boundaries and improvements to the remaining portions of streets will be addressed as part of the overall future Mt. Eden annexation area improvement plans.

Commissioner Bogue inquired about the change for the right-of-way on Eden Avenue to accommodate the improvements needed for this project. City Engineer Fakhrai responded that there would be no acquisition required for any improvements required for this project. He added that as part of the studies for the Mt. Eden annexation, right-of-way locations will need to be acquired for future improvements.

Commissioner Zermefio inquired about parking in front of property near the development and limitation considerations such as red curbs or no parking signs in the area. Senior Planner Rizk explained that the City Council could consider this; however he added that staff would not recommend a parking prohibition. He added that a parking permit program is typically done in higher density settings.

Chair Thnay closed the public hearing at 8:35 p.m.

Commissioner Zermefio spoke in favor of the project supporting the trees that are going to be planted and made a motion per the staff recommendation.

Commissioner Lavelle seconded the motion indicating her support for the project. She indicated that the traffic in the area will be mitigated by the improvements proposed. She added that parkland concerns are reasonable and expressed concern about eminent domain as an alternative. She urged the developer to do everything to expand and improve the park.

Commissioner Bogue mentioned his concerns about the parking ratio, but added that concerns can be mitigated with private streets in the development. He added his concern with the parkland and mentioned the park expansion is a key component for supporting the project.

Chair Thnay thanked Senior Planner Rizk for the report and commended the project and efforts by the developer. He expressed concern for lack of focus in the neighborhood that is fragmented by two empty parcels and for unresolved issues such as Middle Lane. He did not agree with private streets in the development because it is a cost that would be passed to the residents. He expressed hope that the City could adopt regulations allowing for narrower public streets in projects. He did not support the motion because there are issues that need to be addressed.



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Commissioner Peixoto mentioned support for the project with parking and lack of transportation reservations. He favored adequate attractions such as sewer and water service improvements to the area, expansion to Greenwood Park, and affordable housing units.

Commissioner Zermeno thanked the residents that voiced their opinions and urged them to attend the City Council meeting to express further concerns.

Commissioner McKillop noted support for a complex and unique project. She mentioned the Mt. Eden annexation that is happening in conjunction with the proposed project. She indicated concern that open space is going to disappear, but added that she is looking forward to lush landscaping. She congratulated the developer for the good design.

Commissioner Zermeno moved, seconded by Commissioner Lavelle, and approved by the following roll call vote to recommend that the City Council approve the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program and approve the Zone Change, Preliminary Development Plan and Tentative Map, subject to the findings and conditions of approval.

AYES: COMMISSIONERS Lavelle, McKillop, Bogue, Peixoto,
Zermeno
NOES: CHAIR Thnay
ABSENT: COMMISSIONER Sacks
ABSTAIN: COMMISSIONER None

ADDITIONAL MATTERS

2. Oral Reports on Planning and Zoning Matters

Senior Planner/Acting Planning Manager Rizk reported that Acting Planning Manager Patenaude would be back on Monday. He mentioned that the next meeting will be on April 13, 2006.

3. Commissioners' Announcements, Referrals

Commissioner Bogue announced that the Southgate Homeowners Association will be holding a Candidates' night on May 3, 2006 at 7:00 p.m., at the Alameda County Flood Control Room. He also noted that Val's has been named the number one hamburger king of the Bay Area for the third year in a row.

Commissioner Zermeno commented that Kumbala's has opened and encouraged everyone to visit. He added that on Tuesday, April 4, a Nature Festival, "Return of the Swallows", will be held at Chabot College.

APPROVAL OF MINUTES

Minutes of February 23, 2006 were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 8:51 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary